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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEVADA**

EVERETT BLOOM, JACK GRAHAM, and
DAVE LINDHOLM, on behalf of themselves, and
those similarly situated,

Plaintiffs,

v.

ZUFFA, LLC; ENDEAVOR STREAMING, LLC;
and ENDEAVOR GROUP HOLDINGS, INC.,

Defendants

CASE NO. 2:22-cv-00412-RFB-BNW

**DECLARATION OF ANTHONY J.
PATEK IN SUPPORT OF
PLAINTIFFS' RESPONSE TO
MOTION FOR LEAVE TO FILE
SUR-REPLY AND OPPOSITION TO
MOTION TO STRIKE**

1 I, Anthony Patek, declare:

2 1. I am an attorney licensed to practice law before this Court. I am an attorney with the law
3 firm Gutride Safier LLP. I have personal knowledge of the facts contained in this declaration and,
4 if I were called as a witness, I could and would competently testify to the same.

5 2. Attached hereto are true and correct copies of the following exhibits obtained from
6 Defendant Zuffa, LLC in discovery in this case:

7 Exhibit No.	DESCRIPTION
8 1.	2022 Notice of Deposition Subpoena
9 2.	September Email Renewing Request for Meta Deposition
10 3.	April Email to Meta re Compromise Production and Continued Deposition Request
11 4.	October Email Summarizing Meta Deposition
12 5.	October 18 Emails 2023 Email Proposing Deposition Topics
13 6.	November 2023 Email re Deposition Topics
14 7.	November 14, 2023 Email to Meta Requesting Topics and Date
15 8.	November 28 Email to Meta Requesting Topics and Notifying of Motion to Compel
16 9.	December 19 2023 Email to Meta re Coordination
17 10.	December 8 2023 Email to Meta re Deposition Scheduling
18 11.	December 2023 Email re Deposition Scheduling
19 12.	January 2 2024 Email re Amended Deposition Notice re Meta
20 13.	December 1 2023 Email to Zuffa re Meta Desire to Coordinate Depositions

21 3. Plaintiffs had no plan to delay the Meta deposition, much less a plan to deny Zuffa an
22 opportunity to discuss that evidence. The sole reason the Meta deposition occurred after Zuffa's
23 opposition to the motion for class certification was Meta's unwillingness to cooperate earlier.
24 Plaintiffs gave notice to Zuffa and served the subpoenas for documents *and deposition testimony*
25 on Meta in December 2022.

26 4. During the five month period from August 2023 to January 25, 2024, Meta raised multiple
27 legal and logistical hurdles to Plaintiffs' subpoena for deposition testimony. It took several months
28 just to agree to a set of deposition topics. Meta also took the position that, to reduce any
unnecessary burdens on it, Plaintiffs must coordinate their deposition with similar deposition
subpoenas in other cases involving the Meta pixel. In a good faith attempt to address Meta's
objection, Plaintiffs spent almost two months trying unsuccessfully to coordinate their deposition
with those of other plaintiffs. It was only in the few weeks immediately prior to the January 25,
2024 deposition in this case that Meta acknowledged coordination with other cases would be

1 impossible. It was these difficulties—and *only these difficulties*—that caused the delays about
2 which Zuffa complains.

3
4 I declare under penalty of perjury under the laws of The United States that the foregoing is
5 true and correct.

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7 Dated: February 20, 2024

8 By: /s/Anthony J. Patek/
9 Anthony J. Patek
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